Morning Oregonian.

VOL. XXIII. PORTLAND, OREGON: THURSDAY, JANUARY 10, 1884. NO. 7386.

THE EAST.

Read Out of the Party by Carlisle's Secretary.

DAMAGE WROUGHT BY STORM AND FLOOD.

Report of the President of Harvard College—Cook's Opinion of Newspapers.

Black Men in Session—Etc.

Jan. 9.—The annual report of the most favorable season allows a considerable dividend of eleven dollars per share. Interest-bearing debt has been reduced during the year $7,000,000, the bulk of which is to be paid in the latter part of January, leaving but $2,000,000 to be reached next year. Imports in this city for the year ending December 31st were $200,000,000, which are 25 per cent less than the imports of 1882. Exports were $200,000,000, which are 25 per cent less than the exports of 1882. Specie exports were $20,000,000, and specie imports $10,000,000. Receipts of customs were $100,000,000, which are 25 per cent less than the receipts of 1882. Internal revenue receipts were $100,000,000, which are 25 per cent less than the receipts of 1882. Internal revenue receipts were $100,000,000, which are 25 per cent less than the receipts of 1882. Internal revenue receipts were $100,000,000, which are 25 per cent less than the receipts of 1882.

Jan. 9.—The annual Andrew Jackson banquet in celebration of the battle of New Orleans, took place this afternoon. Gubernatorial Burke, in speaking of Andrew Jackson, said when Jackson entered the office of President he found the country in a state of financial embarrassment, and when he left it he left it in a prosperous condition. He said the democratic party of the present day was the same party as Jackson led, and he believed the party was as much entitled to the confidence of the people as it was in the days of Jackson. He said, after all, the success of the democratic party at the coming election depended upon the conduct of the party itself. Let the party be united and true to its principles, and success would be certain. Let the party be divided, and defeat would be inevitable. Governor Hoadley, ex-governor Foster, ex-governor Noble, ex-governor Jones, ex-governor Young, and several others made speeches.

Jan. 9.—The annual report of the Board of Regents of the Smithsonian Institution, submitted to Congress to-day, shows that the receipts of the institution during the year were $108,000, and the disbursements $108,000. The report also shows that the Smithsonian Institution has been engaged in the publication of a number of valuable works, and that the institution has been engaged in the collection of a number of valuable specimens of natural history, and that the institution has been engaged in the publication of a number of valuable works, and that the institution has been engaged in the collection of a number of valuable specimens of natural history

The Daily Oregonian.

THURSDAY MORNING, JAN. 10 1884.

APPROPRIATIONS ASKED FOR.

The report of the chief engineer of the army, at hand by mail, contains a chapter upon river and harbor improvements in Oregon, Washington and Idaho, with their part of Captain Charles F. Powell, the local engineer in charge of these works. It is an exhaustive review of the situation, made with intelligent consideration of the needs of each locality and of the policy of the government. Captain Powell states that $238,197 15 has been spent on the Lower Columbia and Willamette rivers, between Portland and the mouth of the Columbia, since the present scheme of improvements was adopted in 1877. This, in the words of the report, has resulted in generally maintaining a channel of navigable width and least depth of seventeen to nineteen feet at low water. At one bar, where permanent works have been completed, more than twenty feet at low water has been obtained, and fifteen and a half feet at another place, where work is partially built." The amount (estimated) for the completion of the project is $183 603, and the engineer says $242 000 could be profitably used during the year ending June 30th, 1885, and thus he asks for this amount. Of the amount appropriated for the mouth of the Columbia river, $17,500, for surveys, etc., $14,534 62 has been expended, leaving $2 965 38 available for continuation of the work. For construction of a jetty from the south cape of the entrance, according to the plan approved by the board of engineers in 1882, the head engineer asks for an appropriation of $500,000. In support of these appropriations Captain Powell furnishes complete figures of our ocean and river commerce.

With respect to the Upper Willamette river the report explains that the existing project was adopted in 1870, modified in 1878 and its application extended in later years. The objective is to afford and maintain an easy light-draught navigation from Portland to Eugene and on twelve miles of tributaries, making a distance of 184 miles. The working consists chiefly in snagging operations, bar scraping and for the reach between the Willamette falls and Corvallis in contraction of water way by low cut off or wing dams and in rock removal. The amount expended in this project up to the 1st of last June was $145,303 95, and, in the words of the report, "has resulted in generally keeping an easy channel, with a least depth during the year of 2½ feet to Corvallis, 102½ miles from the falls, and also, except during the extreme low stage, to Harrisburg, 48¾ miles further. The reach from Harrisburg to Eugene, on account of railroad facilities and difficult access from the farming regions to the landings, has been abandoned during late years for navigation." The local engineer asks for $91,000 for this work, to be applied to the construction of a snag-boat and 2000 feet of low dams and snagging operations.

The present project for improving the upper Columbia and Snake rivers was adopted in 1877, the object being to afford a channel of navigable width from Celilo falls on the Columbia to Lewiston on the Snake, with a depth in low water of 5½ feet in the Columbia and 4½ feet in the Snake. The amount expended to the 1st of last July is $190,859 71, and has resulted in improvement at thirteen localities. Eight places remain for work under the present project. It is estimated that $56 000 will complete the project, and the local engineer asks for this sum.

For the continuation of the work on the Cascades locks, $500,000 are asked for. The whole amount expended up to the 1st of last July was $725,715 93. Work during the year consisted in laying 10,455 cubic yards of dry rubble or squared stone masonry and 156 cubic yards of concrete in the protective wall, or side wall of the canal prism on right, constituting the former for its whole length of 781 feet, and the latter for a partial length of 299 feet in grading and paving the slope of the left bank at the lower end of the canal; minor excavations, bowlder quarrying, stone cutting; building structures incidental to the canal project, and in extensive river improvement. The appropriation of $500,000 asked for is to be applied to guard gate and port lock combination, etc. The amount estimated for the completion of the work is $1,655,397 31.

For extension of the harbor work at Coos bay $150,000 are asked. The whole amount expended here to the 1st of last July was $17,187 63. The incomplete jetty is now 1,645 feet long. It has afforded during the last two years a straighter or more stable channel, and generally an increased depth. The appropriation asked for is to be applied to extension of the jetty. It is estimated that $200,000 will be required to complete this work.

For the lower Clearwater river in Idaho, $30,000 is asked for. The project is to open a channel through rock-reefs and cobble-stone bars for rafts and small river boats, not less than sixty or seventy-five feet wide, with four feet depth at low stage, from the river mouth to the north fork, a distance of forty miles. So far $10,604 77 has been expended, and this thought that the appropriation asked for will complete the work.

The local engineer asks for $140,000 for Yaquina bay. The whole amount expended on this work is $80,994 89. A brush mattress jetty 1950 feet long has been constructed from the high water line to the edge of the present channel. The work has caused the south channel, leading near dangerous rocks, to fill up to less than four feet depth, and to deepen the middle and direct channel from seven to ten feet depth at a low stage, above which the mean rise of tide is seven feet. The appropriation asked for is to be applied in continuation of present work, to give a greater and permanent depth of channel.

For the work at the mouth of the Coquille river $60,000 is asked for. The whole amount expended at the Coquille to date is $10,993 27, and a petty balance of $98 73 remains of the last appropriation. A jetty has been built a total length of 1365 feet, and crossing the former channel, which has been completely filled to above high water. A new and straight channel, free from rocks, and of seven feet least depth at low water, has been cut across the north cape of the entrance. The appropriation asked for is to be applied in continuing the jetty construction and in preparations to build a similar work on the north side of the entrance. The amount required (estimated) for completion of this work is $144,200.

An appropriation of $6000 is asked for the Cowlitz river, W. T. The project consists of the removal of drift and snags and moderate scraping of bars to give an easy light-draught navigation to Toledo, forty miles from the mouth of the river. The amount expended to the 1st of last July was $3 927 27, and a little balance of $72 73 remains available from the last appropriation.

For work on the Skagit, Stillaguamish, Nootsack, Snohomish, and Snoqualmie rivers in Washington territory, the project is to clear them annually to the heads of navigation of snags, rafts and drift, with moderate scraping of bars. A contract has been made for the construction of a snag boat and the appropriation asked for is to be applied to that boat during the year and for appliances not included in the construction.

For the Chehalis river, Washington territory, $3000 is asked. The project is to clear the river of snags and drifts to Claquato, 70 miles from its mouth, and the head of navigation. Besides these, Captain Powell asks for $5000 for water gauges on the Columbia river and its principal tributaries.

There is awful folly in stock speculation when you lose. You are a victim of gambling and swindling, and feel ugly over it. But when you win it is a legitimate business, not a gambling operation, and you clinch the stock board by calling it the market.

The city might as well collect those fines and things and cut off part of the fifteen mill tax.

THE FUNCTION OF LAW.

One favorite argument of prohibitionists is that the legislation which they favor has a beneficial moral influence upon the community as an expression of public sentiment. Whether prohibition actually destroys the liquor traffic or not, it is worth something, they say, to put the traffic under the ban, and make it disreputable, and this imposes total abstinence lessons upon the people of the state. This argument rests, we believe, upon a mistaken view of the function of law. There is a very important distinction between law and morals. Law is not intended to make men good, but to prevent their becoming bad. It is addressed not to the aspirations, but to the appetites or fears of men. On a penal code a premium never leaves any thing. "It is difficult," as a recent writer has said, "to find a clause of any law that is inspired a high ideal." The founders of the New England colonies enacted many laws, such as compulsory attendance upon public worship, under the false theory that the compulsory action of the state should set up a standard of righteousness for the people and compel them to be good. They lost the grand being came into mutual territory. They gave the church jurisdiction over the moral influences by which character is formed. But the experiment proved unsuccessful, and the people of the colonies were wise enough to erase these laws from the statute-book when their inutility had been demonstrated instead of leaving them to stand as an expression of moral judgment. The law which punishes wife beating with public flogging was conceived and enacted in the spirit of deal justice, but it has not been a successful law, and about ten years ago it was repealed in England because juries could not be obtained who would convict their fellowmen of an offense which was to be followed by personal degradation. Such a milder form of punishment was resorted to.

The experience of generations has shown that of all the wrong actions which men commit, there are only a few which their fellowmen can interfere to prevent in their corporate capacity without doing some harm than good. Penal legislation cannot express the full measure of public indignation against crime. It cannot at all express the national approval of what is right. The word merit has no legal meaning. The national code says that the murderer forfeits his life, but it is silent concerning the man who has saved a dozen lives. Law is founded on a doctrine of wrong exclusively. Its object is purely to prevent some actions, to guard the public safety and comfort, not to encourage well doing. When it has finished its threats it has done its work. This is all it can do. The formation of character must be accomplished by influences which are distinctively moral, by motives which are addressed to the aspirations rather than to the fears of men. This negative attitude of law with regard to virtue, we have seen illustrated by reference to the exceptional position which the state takes in punishing bribery. This is an instance in which the state says that what one man is willing to give, and another is anxious to take, shall not pass from giver to receiver, that the poor man shall not sell his vote, and that the rich man shall not buy it. Here the law takes an exceptional position, in trying to prevent a transaction which satisfies both parties, because it is necessary to the preservation of the state that the source of the law should be kept pure at any cost. The ideal of this purity must at least be held before one's eyes. The aim at an aspiration must be kept, even if it continually fail to punish its infringements, is a misdemeanor. Electoral purity, the indispensable condition of the state's existence, while other forms of purity, such as temperance and chastity, may not be. The state may therefore properly be a teacher of political virtue, while it is not properly a teacher of any other.

When men interfere with each other in their corporate form which we call law, they must base their action upon a theory of wrong. They must be agreed as to the actions which it is desirable to prevent, but it is not necessary that they should have a common separation towards the actions which it is desirable to imitate. They must have a common ground for action, though not necessarily a common ground for aspiration. In order to make their interference effectual, they must incorporate in their laws no moral aim in which all sane and educated persons fail to unite. For experience has shown that it is necessary to the enforcement of law that the occasion of injure, as well as the sense of duty, should be enlisted on its side. This is always the case when robbery, murder or theft take place. These crimes are universally recognized as injuries to the public, and the public may, therefore, be trusted to give the law all the help it can in making them impossible. What is here said applies, of course, only to human laws. In laws whose penalties must be enforced, if enforced at all, in this world. The divine law, on the other hand, is a standard of conduct which is addressed to the aspiration as well as to prudence and fear. It is a code of right, as well as wrong. It approves the good while it condemns the wrong, a thing which a national code does not attempt, and which no more law can do. It is, in a word, the function of legal enactments to prevent what the state regards as wrong, as destructive to the public safety and comfort, and not to make and keep men moral. The moral limits of the corporate action of a nation are rightly fixed, and in regard to the vast and varied differences of human conduct, may even be called narrow. Law is at the most only an incomplete index of morality. The things which we have a right to do are among the least of those things which fine place in aspirations after perfect rightness. For the moralizing of character and for the education of communities in temperance and virtue, we must depend upon a higher than human laws, upon that law which is written upon the heart and an upper tribunal than no criminal can escape -that "silent law in the kingdom of God, whose very existence," as Bishop Butler said, "executes it." It is the law of which Juvenal said the first penalty is that no guilty man is acquitted when he sits in judgment on himself, though the wicked graces of the prator may confuse in the fallacious urn."

A proposition to complete the O. R. & N. Company's road from its present terminus on the eastern slope of the Blue mountains to the junction with the Short Line, has been submitted by the Oregon Construction company of this city to the management in New York. There are yet ninety-four miles of rails to lay on the Oregon company's end of the road, and the grading is nearly all done. The Short Line is laid to the Payette river, and about thirty miles will bring it to the junction. The uncompleted portion of this new transcontinental line is therefore only about 124 miles.

The arrivals of immigrants at Castle Garden during 1883 numbered 388,041, against 456,165 in 1882. The falling off is not to be regretted. After such an extraordinary influx of foreigners as was experienced in 1882, the country needs an opportunity to assimilate what it has taken in. The cured man who continues to gorge is sure to suffer a dangerous indigestion.

There is a rush on the part of railroads to reach St. Paul and secure a foothold in the business of the great northwest. Three new roads are projected, and the *Pioneer Press* says they will all be built this year. They are the Chicago Central, the Burlington, and a new Rock Island line.

A railroad mortgage of $3,000,000, hitherto unasserted, has been discovered in Ramsey county, Minnesota. Taxes for thirteen years are due upon it, aggregating $825,000. Ramsey county includes the city of St. Paul. The amount is collectable, and it is a sad fall to the county.

It seems to be settled that the railroad will pass about seven miles eastward of Yreka. The old town will soon look more melancholy and dilapidated than ever.

THE TONE OF HUMILITY.

The liquor sellers who defied public authority have come to grief, and are now woful suitors to the majesty of the city. It is stated that they are preparing an effort to induce the city to remit the fines they have incurred through their heading violations of the law, and also to put the license fee, reduced from $500 to $400 a year. They are coming now, not with the language of aggression, revolt and defiance, but in a humble key, with bated breath and whispering humbleness. What they have to say will probably take a form something like this: "Your humble petitioners would represent that in their attempt to exercise the sovereign right of property and confer upon the public the boon of unlicensed whiskey they have lost a great deal of money. The expenses of their free whisky association have been heavy; your petitioners' wife at great expense and labor in electing Gibbs, Andros and Lidow, and have not realized upon the investment; the costs incurred in legal proceedings instituted and carried on by the city out of its 'boon' fees have been large; we have been obliged to pay our lawyers by our sales, and the fines imposed upon us as law-breakers footing a formidable amount. Your petitioners have, in fact, found it an unprofitable business to defy the law and protect illicit liquor selling; and they would therefore ask the city to reduce the license fee and not proceed against them for collection of the fines of the bonds given to secure the same."

Will this story move the city to compassion? Hardly. A public authority, in its struggles with lawless men, has a duty to perform, namely, that of making lawlessness odious in a moral sense, and at the same time costly to those who engage in it. In clear defiance of authority the liquor sellers were without moral or legal excuse. They were carrying on a business which society, for its own safety, is compelled to curb and restrain; a business which is the direct or indirect source of half the taxation of the community, and of nearly all the disorder, poverty, misery and crime that afflict it. Hence their refusal to pay the license fee was without a shadow of moral excuse; and as there never was a doubt of the municipal power of the city to require the payment of any license fee it might see fit to name, the conduct was without shadow of legal excuse, likewise. Now let the liquor sellers abide the issue of the contest they so foolishly made. Let the city push them on the bonds given to secure the fines imposed for their violations of the law, and let the result stand as a lasting lesson to curse the arrogance of the lawless liquor sellers and those who abet him in his disreputable and crime-breeding calling. Having won its victory, the city should be moved by no false sympathy, to throw away any part of the fruit of it. There should be no thought now of reducing the license to $400. If it be said that the saloons cannot all continue to pay the lawful sum, then the answer is that every interest of the city will be conserved by limiting up those that can't pay it, and the more the better.

MEETING NOTICES.

Regular meeting of Willamette Pioneer No. 1, this (Thursday) evening, at 7:30 o'clock. By order of the W. M. SHARP, Will. S. Ladd, Secretary.

Attention! Companies A and M, O. N. G. are ordered to assemble at their headquarters at 7:30 P. M. sharp THIS (Thursday) evening, Jan. 10, 1884, for the purpose of attending the funeral of the late Private Wm. Hall, Co. A. By order of Capt. [illegible]

French Residents. A meeting of the French residents will be held at the Parochial House, on Thursday evening, January 10th, at 8 o'clock, for the purpose of forming a Benevolent Association. The object of the meeting is to collect funds for the relief of the poor and sick of our nationality. By order of the Committee. [illegible]

☞ Advertisements such as "Wanted," "For Rent," "To Let," "For Sale," etc., will be inserted for TEN CENTS per line for three insertions. Five cents per line for each additional insertion. No advertisement less than twenty-five cents. These rates apply to cash advertisements only.

Deaths, Marriages and Births, free; notices of such Resolutions of Condolence ten cents a line. All transient advertising payable in advance.

MARRIED.

At the residence of Mr. Lamberson, by the Rev. Father [illegible], Mr. Alexander J. Moran to Miss [illegible], all of Portland.

DIED.

In East Portland, January 9, M. McBride, aged 55 years.

Funeral from residence, corner Fifth and L streets, East Portland, Friday afternoon at 2 o'clock.

M. H. Schwab & Bro., Artistic Photographers, 124 First street, Portland, Oregon.

NEW TO-DAY.

N. P. R. R.

Northern Pacific Railroad Board of Directors have ordered that Tacoma be the Terminal city.

Tacoma lots, high and level, close to the business center, for $50 and $75 each, with the installment plan of $5 per month. Apply to

PITT & THATCHER, 140 First street.

Coal Creek Mines. Exhibition, the nearest railroad point, where great excitement exists in building. Peter of lots $50 and $75 each. Apply to PITT & THATCHER.

Acknowledgment and Conveyances for Wash ington Territory, Idaho, California and all other States and Territories made by R. D PITT, Notary and Commissioner of Deeds.

KARL ENGELMAN, 301 FOURTH STREET, violin, guitar and singing.

WANTED—GIRL TO ASSIST IN HOUSEWORK and general business, at 55 Morrison st.

WANTED—BY A YOUNG LADY, A SITUATION as housekeeper. Address M. L., this office.

DESIRABLE LOCATIONS FOR BUSINESS, Commercial and Residence Lots, in Portland, for sale by HOLBROOK & CO., 108 First street.

WANTED—A GOOD GIRL FOR GENERAL housework after school hours. 194 Front, corner Ellsworth street.

FOR SALE—A BLACK HORSE; SUITABLE FOR grocer or delivery wagon. Apply at 51 Grand avenue.

INSTRUCTION IN DESIGNING, ENGRAVING, printing and carving at the School of Design, corner First and Main.

$600 CAPITAL WANTED IN LEGITIMATE business; 6 per cent interest. Apply room 15, First National Bank.

A PRACTICAL MAN, WILLING TO WORK, can learn a good position. Inquire at this office.

WANTED—A COMPETENT GIRL TO DO ALL kinds of housework in a family of three. Apply room 46, 87 and 89 Eleventh street, between Yamhill and Taylor.

THREE LOFTY BABLE ROOMS NICELY FURnished; use of bath; for gentlemen only; $15 per month. 194 Front, corner Ellsworth street.

A NEW COTTAGE OF SIX ROOMS AND BATH for rent, with all modern conveniences; rent reasonable. Apply to H. F. GUILFORD & SON, First and Yamhill streets, Portland, Or.

TWO FINE, PUNCTUATED BOWS AND one unfurnished room; parlor and all kinds of housework with children. Inquire between 7 and 9 o'clock evenings, 194 Front street.

FOR RENT—A HOUSE CENTRALLY LOCATED; good sitting-rooms and pantry to the first person bringing around January 1. Apply at 194 Front, corner Ellsworth street.

KING'S CHEMICAL FOOD. Address this office.

ONE OR TWO GENTLEMEN CAN FIND A very comfortable private family, with all the conveniences of home, by addressing "HOME," this office.

TWO CONTRACTORS WILL PUT PARTY WALL and balance of brick work in North Portland on part of the [illegible] Apply to [illegible]

FIRST-CLASS DAUGHTER OF GOOD LAND; CARES for child and general housework; good home and fair wages. Inquire at 194 Front, corner Ellsworth street.

NOTICE THE S. H. TO OAK ST. TICE THAT Wood Saw machine is now at the foot of Oak street and is ready for use in sawing your wood. We will take the [illegible]

SMALL HEATING STOVE FOR SALE CHEAP. Inquire at 194 Front, corner Ellsworth street.

MUTUAL BENEFIT ASSOCIATION OF THE PEOPLE'S MOVE [illegible]

PROMPT PRINTING FOR RAILROADS, BANKS, Banking Houses, Insurance Companies, Lumber Companies, Etc. [illegible]

WANTED—A GOOD GIRL FOR HOUSEWORK. Inquire at 194 Front, corner Jefferson or Columbia st.

THE ONLY ENGLISH VAUDEVILLE IN THE city. Vaudeville, Burlesque, Specialty and Dramatic Company. Direct from Floral Pavilion, Chicago. [illegible]

BEAUTIFUL RESIDENCE LOTS AT THE LAST DELIVERY of Portland Homestead Association, at low prices and easy terms. Inquire of [illegible]

REAL ESTATE, HOTELS AND FARMS for sale in Oregon and Washington Territory. Call and see [illegible]

INSTRUCTION IN PENMANSHIP, BOOK-KEEPING, Arithmetic, Grammar, Spelling, Etc. Evening classes. Call or address [illegible]

FOR SALE—A GOOD SECOND-HAND SAFE, suitable for a small business. Inquire at 194 Front, corner Ellsworth street.

FOR SALE—A NEW 7-OCTAVE PIANO, IN FINE rosewood case, for $175

...ON AND COMMISSION.

...GILMAN & CO.,
...S & COMMISSION MERCHANT
...First st., bet. Pine and Ash.
...ALER IN REAL ESTATE, RENTS
...Merchandise Houses, Stores
...TE AND DATE Tuesday at
...Block A.

...AR AUCTION SALE
OF
...HOLD FURNITURE
...auction at the salesroom, No 8...
...DAY JAN 31, 1884,
...AT 10 O'CLOCK A M
...ne of Household Furni...
...re and Carpets.
...sale a quited assortment of...
...GILMAN & CO., Auctioneers.

...L AUCTION SAL...
OF
...HOLD FURNITURE.
...the Residence No. 200 F street,
...near Eighth St.,
...ESDAY JAN 29, 1884,
...AT 10 o'clock
...Furniture of Residence,
...ng, consisting
...ian Cottage Chamber Suits
...Hair Mattresses
...Hair and Spring Mattresses
...Hair and Husk Mattresses
...Feather Pillows,
...Bolsters,
...Blankets,
...Comforters,
...Lounges,
...Tables,
...Chairs,
...Rockers,
...Bureaus,
...Bedsteads,
...Wash Stands,
...Crockery and Glassware,
...Kitchen Furniture,
...Stoves, Tinware, etc.
...GILMAN & CO., Auctioneers.

...L AUCTION SAL...
OF
FURNITURE
AT RESIDENCE.
...d to sell by auction at the Res...
...No 247 Stark st., between
...Tenth and Eleventh,
...RDAY, JAN 19, 1884,
...At 10 o'clock A M
...ine Furniture of Residen...
...sisting in part of
...gle Carpets in tasteful patterns
...Fluted, Upholstered Easy Chairs
...Sewing,
...Marble Center and Side Stands
...Chandeliers with Prism Lights
...Lounge in Silk Plush Upholstery
...Cloth Mantel and Pier Lambrequins
...Hall Bookcase with Writing Des...
...Reception Chairs etc
...ALSO
...Miscellaneous Books, standard works
...ALSO
...Bedroom Furniture, viz:
...Chiffonier Cane Seat Chairs
...Hall Settee Cane Seat Chairs
...Hall Chairs, Upholstered in Tapestry
...Hall Chairs and Marble Slabs
...Hall Rack, Hall Lamps,
...Hall Stand with Marble
...Hall and Stair Carpet
...Hall Lamps,
...Bedroom Suits, complete,
...Cane and Spiral Mattresses
...Wardrobes,
...Lounges, Blankets,
...Comforters,
...Bed Spreads,
...Feather Pillows,
...Bolsters,
...Sheets,
...Pillow Cases,
...Towels,
...Bureaus, Bedsteads,
...Wash Stands,
...Crockery and Glassware,
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...Crockery and Glassware,
...Kitchen Furniture,
...Stoves, Tinware, etc.
...GILMAN & CO., Auctioneers.

...ECTS AND ENGINEERS.
...W. & T. H. GOODLIFFE,
...INEERS AND DRAUGHTSMEN
...ttention given to City Work.
...Ainsworth Block Third and Oak st

...MISSION MERCHANTS.
...LEWIS, COMMISSION AND FO...
...Dealer, Produce and Com. Merchant, Portland, Or.
...WEST—C. C. MILLER, S. W. WEST
...on Merchants in Produce and Gallery Stock
...at between Warehouse and Steamboat
...& COMMISSION MERCHANTS AND PROD...
...123 Front street, Portland, Or.
...OUND & CO. SHIP BROKERS
...ding agents for Columbia
...16 North Front street.
...RISTEL & CO. COMMISSION
...2 and 4 N. Front st. Portland Or.
...RIO, IMPORT & COMMISSION AGENT
...Portland, Oregon.
...RUCE & CO. SHIPPING AND
...Merchants, and Agents for Lloyds, etc. S. W. cor. Front and Ash sts.

...OLESALE GROCERS.
...RISTEL & CO. WHOLESALE
...and 4 N. Front street, Portland Or.
...EWIN WHOLESALE GROCER
...Front and Onion, Portland, Or.
...MACLAY & CO. WHOLESALE GR...
...Commission Merchants, 84 and 86 Fro...
...& MASON, WHOLESALE GR...
...Commission Merchants, 88 & 90 Fro...
...Portland.
...& MILLER, WHOLESALE GR...
...Commission Merchants, 86 and 88 Fro...
...Portland.

...GUNPOWDER.
...OLD & GOODNOUGH'S GAME POW...
...Point Pleasant, Virginia. Portland, Or.

...ND FARM MACHINERY.
...TIES, SEEDS AND SEED POTA...
...ers and dealers in all kinds of farm ...
...ers and dealers in all kinds of garden ...
...Wire mowers, reapers and binders
...Rock Island plows, Moline ...
...etc. Send for catalogue.
...RRELL & CO., WHOLESALE FAR...
...ers and dealers in agricultural implements, carriages and buggies, carriage and buggy materials, harness, saddlery, stationary supplies, leather and findings, shoe machinery a specialty, rubber and leather belting.
...KHOUSE & CO., PRACTICAL MA...
...Mill Builders, Grinding Machines a...
...sively, general agents for all kinds of Machinery, Saleroom 40 and 42 ...
...ORY & CO. SEEDS. N. FRONT S...
...and B. implements, dealers in all kinds of ...
...save millions of dollars annually.
...ODD & CO. SOLE AGENTS FOR ...
...Scientific American. Pitts Turbine ...
...Schumacher Wagons. Front, Pine ...
...MAN & CO. MAKERS OF ESTEEM...
...Front and Naito sts., Portland, Oregon.
...Front st. bet. Oak and Pine sts.
...RE & CO. PLOWING MILLS ...
...All kinds of flouring mill machinery ...
...st. Send for circular.

...ARS AND TOBACCO.
...JESSE & CO. WHOLESALE ...
...Front st. bet. Oak and Pine, Portland ...
...the cigars in 100 grades. Portland ...
...mann Leichman & Co. San Francisco ...

...HER AND FINDINGS.
...& DORRIS, 200 FRONT, NEAR ...
...ashington and Stark streets, Leath...
...se Story Shoulder, Backing, Sole ...

...SALE BOOTS AND SHOES.
...& CO. WHOLESALE ...
...HIRRARD & CO. 200 Front st. Portland ...
...shoes. No 61 Front st. Portland ...

...NE AND SADDLERY.
...N, REPETER AND MANUF...
...Front. Dealer in Leather, Saddlery ...

...ARE, IRON AND STEEL.
...DENT & CO. WHOLESALE ...
...Steel, Carriage and Wagon Materials ...
...Carriage and Wagon Repository, Fro...
...Blacksmithing a specialty. Portland, Oregon.
...& MARSHALL, IMPORTERS AND JO...
...Portland, Oregon.

...OLESALE DRY GOODS.
...& CO. WHOLESALE DRY GOODS
...HON, & CO. 200 FRONT ST. PORTLAND, ORE...

...EAP BREAD!
...A NICKEL A LOAF!
...ensign arrangements of ovens and ...
...ably Bread of the Standard can be ...
...Call at the general office ...
...First Class Bakers and confectioners ...
...city.

...HE PILGRIM,
...ington st., bet. Fifth and Sixth.

...AN BROTHERS.
...Manufacturers of
...WOODEN AND WILLOW WARE
...AND DEALERS IN
...WOODEN AND WILLOW STOCK
...18 and 20 North Front st.

The Daily Oregonian.

TUESDAY MORNING JAN 29 1884.

METEOROLOGICAL REPORT.

PORTLAND Jan 28 7 P M

Hour	Change last 8 hours	Thermometer	Wind Direction	Wind Mean velocity	State of weather
Noon	30.48	42	Calm	00	Clear
4 P M	30.48	34	Calm	00	Rainy
8 P M	30.45	34	S	06	Clear
Midnight	30.37	36	S	06	Clear
4 A M	30.37	37	SW	06	Clear

Maximum thermometer 39 minimum 34

THE OREGONIAN IN THE EAST.

[illegible] following [illegible]
[illegible] Oregonian [illegible]
[illegible] Thomas, stock room [illegible]
[illegible] Fourth st. [illegible]
[illegible] Oregonian [illegible]
[illegible] Fifth st. [illegible]
[illegible] Public Library
[illegible] Post Office, [illegible]
[illegible] Post Office, [illegible]
[illegible] Offices of Post and Ashtabula
[illegible] Chamber of Commerce
[illegible] Chamber of Commerce

AUCTION SALE TO DAY

[illegible] Co will [illegible] at [illegible]
[illegible] Eighth, at 10 A M

CITY.

[illegible] Rose for Governor—No being a strange bird
[illegible] of Malarkey's market yesterday an Oregonian
[illegible] reporter stopped in and out what it was He
[illegible] that it was a Guinea quail This bird
[illegible] occupies the space [illegible] in the grouse family—that is, while the latter is in the dark [illegible] of its existence. It seems that [illegible] of these birds were received [illegible] the last steamer [illegible] of our mountain quail which is [illegible] in shape The plumage is not [illegible] as either our quail or pheasant [illegible] color and spots [illegible] These little birds are [illegible] by the Chinese in as solid a case [illegible] account of the popularity of the sport [illegible] to arrest those who are [illegible] fighting cocks are [illegible] Although not this [illegible] game cocks are [illegible] the spirit of the game [illegible] they have the spirit [illegible] and will die last rather than [illegible] Malarkey had [illegible] the result The bird at Malarkey's had [illegible] of his head shaved as [illegible] fighting cock and [illegible] was filled with [illegible] which it probably [illegible] chicken, as it is not yet [illegible] It was [illegible] and Adams for the red and gun club to turn [illegible] these birds loose here

[illegible] and Society—The annual meeting [illegible] Scientific Institution was held on Tuesd[illegible] [illegible] Portland Hall The reports of the officers [illegible] very good showing in regard to the work [illegible] during the last six months the aggregate [illegible] of lectures and pretty [illegible] and personal [illegible] considerably the income of the Institu[illegible] [illegible] is to be hoped that the Industrial [illegible] German popu[illegible] of this country will [illegible] Institute interest in the future to [illegible] by lectures [illegible] Portland Mind which [illegible] the erection of a German Hospital in [illegible] [illegible] subscription of $ 9000 But the general fund [illegible] made up of [illegible] Institute [illegible] [illegible] a night or two ago, when N W Davis, a man [illegible] had just secured a room in the house on the [illegible] southeast corner, ca[illegible] and [illegible] after dark [illegible] targeting the step down was thrown violently [illegible] upon his face His left leg was contused up [illegible] knee, and when he tried to rise he found it [illegible] not rest After being carried into the house it was found that no bones were broken but the tissues [illegible] muscles of the leg were so affected and [illegible] that Mr Davis has since been unable to [illegible] leave his room

[illegible] Church Meeting—At the annual meeting [illegible] of the First Baptist church of this city Henry [illegible] and George [illegible] James were re-elected to serve [illegible] Trustees for the ensuing three years Reports of [illegible] showed that the expenditures for the year [illegible] been about $4200 and the [illegible] unpaid was [illegible] The church voted to continue the envelope [illegible] system of weekly contributions for church [illegible] which has been in use the past two years [illegible] following officers were elected H H Russell [illegible] clerk; D W Williams, treasurer; H H Hill [illegible] superintendent of the Sunday school; C O Tar[illegible] superintendent of the Mission Sunday school [illegible] Addie or East Portland and Wm Blabb superintendent of the Chinese Mission Sunday school

[illegible] Tebbe New Home—The changes in the [illegible] are so far completed that yesterday the [illegible] were placed in the new cell It is white-[illegible] throughout and presents a very neat, clean [illegible] appearance On the inside of the door is one wag[illegible] [illegible] has written [illegible] with the [illegible] of the iron plating with his finger [illegible] [illegible] [illegible] of people who utters [illegible] [illegible] [illegible]

The Daily Oregonian

THURSDAY MORNING, JAN. 10, 1884.

PACIFIC COAST.

CALIFORNIA.

Charles Whitehead Shot by a Printer.

LOS ANGELES, Jan. 9.—Charles Whitehead, managing editor of the *Evening Republican*, lately established, was shot this morning by [illegible], the last proprietor, and an associate of Whitehead's. The ball took effect in the right side, between the hip and lower ribs. It is impossible to tell the result. The ball is inside, and doctors are interrogated that to-morrow will prove fatal. The shooting had disagreed, and as some of the property of Harris was being removed from the premises Mrs. Harris appeared upon the scene and claimed a portion of the property. Her claim was disputed, and in the controversy Mrs. Harris was ejected from the premises. Harris asks after [illegible] as opponents, and shot Whitehead as above. Harris is now in jail.

The physician reports that no patient is in good mood now, and says the wounds are serious but not necessarily fatal. Harricks is an old newspaperman, and came here from Bakersfield a few days ago, his late newspaper venture being the *Free Lance*, which lived two weeks.

Puget Sound Lumber.

SAN FRANCISCO, Jan. 2.—Special.—Inquiry for Puget Sound spars, mostly for eastern ship yards, appears to be quite active, and the large city of Boston, which has been a large shipper of spars to Boston, which has been quiet for some time, will shortly be followed by another shipment on similar terms. The ship Mercury is now loading at Port Gamble, and has 2,000 hewed spars and 600 round spars. The principal object in the experiment of shipments of spars is the desire only to charter such suitable vessels, as there are but few vessels, or low sizes, that are adapted for spar cargoes. From statements made it appears that shipment under former circumstances is unprofitable. The Mercury took two spars and built to fit. There is also a demand for Puget Sound piles from eastern ports, apart from the steady demand from the central Pacific railroad shops at Sacramento, Townsville and other Australian ports have recently developed a very large trade in spars and hardwoods.

The Coos Bay Coal Mines.

SAN FRANCISCO, Jan. 9.—[Special.]—Improvement is contemplated in and about the Eastport and Newport properties at Coos bay, recently transferred to parties here, have been delayed by the wrecking of Coos and other mines. The parties have, however, increased the number of miners, and are now out to circulate calling for more hands. Additions to construction will be made, including a pier, wharf, engine communications, have been received from local and eastern builders, and it is expected that work will be commenced in a short time. In the meantime the streets are being worked in the most favorable places on the property. The present time set a limit. The December shipment for December amounted to about 1000 tons.

Death of Dr. Wheeler at New York.

A telegram this morning from New York announced an accident to Dr. H. T. Wheeler of this city, stating that he fell on the sidewalk, receiving a concussion of the brain. A later dispatch to his family announces his death. Deceased was a pioneer and prominent physician of this city, having been engaged in the drug business in Portland for many years, but for the last few years has been engaged in the practice of his profession. He was a member of the Masonic fraternity, and leaves a wife and daughter in this city. He is stated to be 58 years of age.

Rock Employes Discharged.

[Special.]—It is generally suggested by stevedores that Le Villard company and consignees railroads may is responsible for the discharge, Saturday last, of a large force of longshoremen employed by the month or at [illegible] per M. B. & S. Keough & Bros. Many of those persons employed on the dock outside of the office have been retained in the gang longer and have other employment, and will pay off those whenever their services are required.

Shipping Intelligence.

SAN FRANCISCO, Jan. 9.—Arrived: British ship Don Enrique, McAllister, 18 days from Nanaimo; 2085 tons coal, to J. Rosenfeld; schooner George C. Perkins, Anderson, 6 days from Tacoma, with 600 tons lumber, to Hansen & Co. Cleared: Steamer Columbia, Dollar, Astoria; U. S. & N. Co. Bailed, Bark Don Enrique, Morden, Nanaimo; schooner Atherton Girl, Moore, Port Gamble.

Personal.

[Special.]—Consul Dering of Port Simpson, formerly of Portland, arrived by the Idaho, and leaves in a few days for Washington.

Thomas Foster, alias Dunne, U. S. marshal for Oregon, has returned to Portland from Honolulu, and leaves for Portland to-morrow.

Fred G. Bareland, the Oregon delegate, sails by the Columbia.

Cox will Probably be Indicted.

In response to questions regarding the finding of the jury of Charles McLaughlin, Justice of Justice Sullivan stated today that the grand jury would probably indict Cox for murder. He thinks "Whitney's testimony will be sufficient for the indictment, but I must not say any more, because if so he is indicted I do not want to try him."

McLaughlin's Will.

The will of Charles McLaughlin, who was killed by Cox, was filed today. It provides that all shares in the estate be equally divided between his brothers and that his personal property is valued at $50,000. The entire property is left to the widow, who is appointed administratrix.

Leaves for Washington.

Ex Attorney General Hart leaves for Washington this evening to argue the case before the supreme court of Joseph Hurtado, the Sacramento murderer. The case is to be heard on January 22.

Not Certificated Chinese.

The steamer City of Peking, which came into port last night, brought eighty-eight Chinese in charge, custom house certificates, and only twenty-four bonded of Custom certificates.

Redmond's Lecture Well Attended.

The lecture by Redmond, Irish member of parliament, on behalf of the Land League, was attended by 2000 persons, and is not about [illegible].

Killed on his Wedding Day.

SAN FRANCISCO, Jan. 9.—An awful tragedy occurred yesterday at Boise, Idaho. A bride was married, while two hours before she pronounced the fatal death sentence upon them, was sitting opposite in the house of the bride's parents, and giving the assembly of friends, which a happier old brother of the bride was up with a small pistol, which he had taken from a trunk, and thought to scare his sister by pointing the weapon toward her, but in the fold-ing of the gun it was discharged, sending the ball to the heart of the bride, killing her instantly. Before any one could prevent it, she fell dead. The scene was one of the most heartrending ever witnessed in Boise. The bride was a Miss Nellie Smith, both are well connected by the oldest families of the place.

DEAD.

An Editor Seriously Chastised.

SAN FRANCISCO, Jan. 9.—United States Deputy Marshal Vanderbeck was published in the night-*Herald* as engaged in a gambling game. In return Vanderbeck assaulted Editor Hastie of the *Herald*, and seriously pummelled him.

REPORT OF THE CATTLE COMMISSION.

Additional Precautions Recommended to Prevent the Shipment of Diseased Cattle.

WASHINGTON, Jan. 9.—The President sent to the Secretary has transmitted to the House the report of the cattle commission, consisting of James Lowe, E. F. Thayer and J. H. Sanders, for the past year. The commission recommend that the national government prevent the shipment westward, out of the area infected with Texas fever, all cattle whatsoever, excepting from the beginning of November to the beginning of March. Special attention is invited by the secretary to the recommendation of the commission that the secretary of the treasury be empowered to order the seizure and safe disposal of any cattle [illegible] that may be found affected upon their arrival within the United States or which they may develop during the quarantine, and that no appropriation of $1,000,000 more be made to defray the expenses of preventing the further spread of lung plague, connected with the quarantine and stamping out the plague now existing. A supplemental report of the majority of the commission, submitted by Messrs. Loveand Thayer, and of later date than the first report, was also submitted. This report deals especially with the history and to the end sought to be accomplished by inspection of cattle at the port of export, and recommends that such inspection and quarantine [illegible] the reason for doubting the adequacy of the inspection of cows of export is that not any lung plague nor Texas fever can be certainly detected by such examination, because these diseases pass through a long average stage of incubation in thirty days, during which time it is impossible for even the most accomplished expert to detect the presence of the germ in the system. The result would be that if such inspection were the only thing relied upon, the cattle which have been exposed to infection to the Texas cattle for several days before inspection, would pass that inspection and in two weeks later, when arrived at a foreign port, they might show marked symptoms of disease. This result would destroy absolutely the efficacy of certificates of inspection and quarantine to foreign imported cattle. The report closes with the statement that unless the infected districts of this country cease to be infected, cattle from England to this country can not be prevented, and so long as Texas cattle and these diseases are [illegible] this country, we can hope for no more health in the herds of cattle in that country against Texas cattle.

CRIMINAL CALENDAR.

THE ATROCIOUS DEEDS OF A YOUNG NEGRO.

WASHINGTON, Jan. 9.—A shocking and vile [illegible] occurred in Alexandria this afternoon. Eighteen-year-old Lucy Ann Diggs, a respectable colored girl, was [illegible] and outraged by a negro named Jerry Smith, who [illegible] with a small pistol, which he had taken from a trunk, and brought to realize his threat by pointing the weapon toward her, but in the [illegible] the gun was discharged, sending the ball into her left breast. Smith then fled, but was pursued and [illegible] about a mile. The wounded girl [illegible] and will recover. Smith, both of whom are well known in Alexandria, [illegible] and [illegible] the [illegible] of the negro.

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LEASED PROPERTY.

DESTRUCTION BY FIRE DOES NOT RELEASE A TENANT FROM HIS OBLIGATION.

Full Text of the Decision of the Supreme Court in the Case of Barrington against Walton, of this City.

The following decision in full of the supreme court of Oregon, in the case of Barrington against Walton, will be of interest to all owners of property which they have leased, or to all who hold leases.

ESTATES.

DESTRUCTION OF PREMISES, WHEN TERMINATES OBLIGATION TO PAY RENT. The destruction of the premises by fire, in law, in full of all lands and buildings are leased, and the tenant expressly covenants, without qualification or reservation, to pay rent for a term of years, he is not released from the obligation to pay the rent reserved from the time at the leased by such destruction.

EXCEPTION TO THIS RULE FINDS WHEN THE LEASE is on an occupation or business, or an apartment in a building connected for the purpose that it is not the intention of the lessee to grant any interest in the land beyond that connected with the enjoyment of the rooms or building, and when this is the case, and the building is destroyed by accidental fire, there is no making upon which the demise can operate, and the lease necessarily with the destruction of the thing rented. LEASES never to [illegible] accounted for, and [illegible] conditions of the parties, and with reference to the subject matter.

ACTION OF POSSIBLE DEFENSES CANNOT BE MAINTAINED when the facts and circumstances relied upon to support the defense existing at the time of action on the part of the defendant to resist the entry of the plaintiff by force.

Appeal from a judgment of the circuit court for Multnomah county, reversed in favor of the plaintiff.

LORD, J. This was an action of forcible entry and detainer in the justice's court. Heard by the justice's court for Morrison precinct, and sitting [illegible] in favor of plaintiff for restitution of the premises demanded in the complaint, and for the sum of $1650 for the use and occupation of the same. Briefly, the cause of action arose out of the state of facts: The plaintiff is the owner of lot 4 in block 15 of the city of Portland, upon which had been erected a wooden building containing several rooms. On the 1st day of December, 1874, the plaintiff leased to the defendant one of the rooms in said building for the term of five years, for a certain monthly rent, payable in advance; and the defendant, by virtue thereof, entered into the occupation of said room and remained under said and peaceable possession of the same, until the 20th day of September, 1882, when the building, including said room, was burned by fire. On the 20th day of September, 1882, without the knowledge of the plaintiff, the defendant moved upon said premises another wooden building, and occupied the same; and, on the 1st day of October, 1882, the plaintiff received a written notice from the defendant to quit, and also demanded the possession of the premises, which the defendant refused to deliver up or any one thereof, but [illegible] to the plaintiff. In the [illegible] brought an action of forcible entry and detainer, alleging, among other things, that on the 20th day of September, 1882, [illegible] the defendant unlawfully entered upon the premises, [illegible] and ejected the plaintiff therefrom, and [illegible] and detained the same from him, and [illegible] and refused to deliver up the possession thereof to the plaintiff, although requested so to do, and [illegible] the plaintiff was entitled to the possession of the premises, and [illegible] the defendant unlawfully and by force, all of which the defendant, by his answer, denied, and set up the lease as a defense to the action.

Upon issue being joined, the cause was tried by agreement of the parties, without the intervention of a jury, with the result as above stated. The findings of fact by the court will be referred to in such parts only as may be necessary to a proper understanding of the [illegible] questions of law presented for consideration in this opinion. It is [illegible] agreed that the defendant entered into the premises described in the complaint under the lease [illegible] and that the premises were destroyed by fire, as above stated, on the 20th day of September, 1882, and that the defendant, on the assumption that the lease included a demise of the land and had not terminated, entered another building on the same and in the same manner, and for the same purpose as he had occupied the building burned, by said lease. The plaintiff [illegible] the defendant to quit, and a demand of the possession of the premises which the defendant refused to do. Judging from the [illegible] it is doubtful whether the plaintiff [illegible] the premises [illegible] by force, but it is the duty of the court to find the facts from the evidence, and [illegible] the [illegible] of the case, and [illegible] the plaintiff was entitled to the possession of the premises at the time the action was commenced, and that the defendant unlawfully kept him out of possession, and [illegible] the plaintiff [illegible] the premises, and [illegible] the defendant